such evidence amounts to actual fraud. On the right to recover damages by one suffering from a disease or predisposition to disease, for aggravation of such condition caused by another's negligence, see *Blomquist* v. *Minneapolis Furniture Co.*, 112 Minn. 143, 9 MICH. L. REV. 521; *Bray* v. *Latham*, 81 Ga. 640, 8 S. E. 64; *Louisville N. A. & C. Ry. Co.* v. *Snyder*, 117 Ind. 435, 20 N. E. 284, 10 Am. St. Rep. 60, with note; *Larson* v. *Boston Elevated Ry. Co.* (Mass. 1912) 98 N. E. 1048. In the above cases the courts permitted recovery on the ground that a tort to health already impaired cannot be redressed except by giving damages for any further impairment, or for any interference with recovery, caused by the tort.

DEEDS—ASSIGNMENT OF RIGHT OF ENTRY BETWEEN HEIRS.—Land was conveyed with condition subsequent annexed and with right of entry reserved. The grantor died before breach of the condition. Plaintiff and three others are her present heirs. The three assigned their interests, after breach, to plaintiff, who sued for possession. *Held*, that the right of entry was assignable between the heirs, and plaintiff should recover the whole. *Southwick* v. *N. Y. Missionary Society* (N. Y. 1912) 135 N. Y. Supp. 392.

It was an accepted rule at the common law that a right of entry for breach of condition is not reservable in favor of a stranger, nor assignable, and can be taken advantage of only by the grantor and his heirs. LITT. 347; COKE, LITT. 214a; 2 WASHBURN, REAL PROPERTY, 15; TIEDEMAN, REAL PROPERTY, § 277. In a majority of the United States the rule of the common law is still adhered to. *Skipwith* v. *Martin*, 50 Ark. 141, 6 S. W. 514; *McMahon* v. *Williams*, 79 Ala. 288; *Bd. of Education* v. *Baptist Church*, 63 Ill. 204; *Higbee* v. *Rodeman*, 129 Ind. 244; *Hayward* v. *Kinney*, 84 Mich. 591; *Winn* v. *Cole*, Walk. (Miss.) 119; *State* v. *L. S. Ry.*, 1 Oh. N. P. 292; *Hooper* v. *Cummings*, 45 Me. 359; *Guild* v. *Richards*, 16 Gray 309. Some States draw a distinction between an assignment before and after a breach. *D. & S. F. Ry.* v. *School District*, 14 Col. 327, 23 Pac. 978; *Bouvier* v. *B. & N. Y. Ry. Co.*, 67 N. J. L. 281. Some States, by statute, allow an assignment of a right of entry. CAL., CIV. CODE, § 1046; N. J., ACT OF MARCH 14, 1851; *Southard* v. *C. Ry. Co.*, 26 N. J. L. 13; CONN. GEN. STAT., p. 471, § 1 of pgph. 15; *Hoyt* v. *Ketcham*, 54 Conn. 60. New York's statute, which permits the assignment or devise of future estates, has been held not to apply to the assignment of a right of entry reserved on the grant of a fee. *Nicol* v. *N. Y & E. Co.*, 12 N. Y. 121; *Van Rensalaer* v. *Ball*, 19 N. Y. 100; *Brenbroick* v. *St. Luke's Hospital*, 155 N. Y. 655, 23 App. Div. 339. Other States hold such a right of entry reservable and assignable without statute. *Pickle* v. *McKissick*, 16 Pa. St. 140; *Hamilton* v. *Kneeland*, 1 Nev. 40. Especially an assignment after condition broken. *Bouvier* v. *B. & N. Y. Ry. Co.*, 67 N. J. L. 281. The decision in the principal case is given without citation of authority, as an exception to the general rule, and no other case seems to touch upon this particular kind of assignment. For extended list of cases on the subject in general see *Bouvier* v. *B. & N. Y. Ry Co.*, *supra*, 60 L. R. A. 754, note. See also note in 69 CENTRAL L. JOUR. 237.